

October 14, 2009

Ms. Lisa Baron
US Army Corps of Engineers
Program & Project Management Division
26 Federal Plaza- Room 2119
New York, NY 10278-0090

Re: Passaic River Commercial Navigation Analysis

Dear Ms. Baron:

On behalf of Clean Earth of North Jersey (CENJ) please accept the following input on the questions outlined in your previous e mail.

Question 1 How are we currently using the Passaic River navigation channel.

Answer # 1

CENJ obtained a Waterfront Development Permit (#0907-94-0007.2) in 1998 from NJDEP to construct a dredge management processing Facility at the rear of the existing CENJ hazardous waste facility. The dredge facility was never constructed, in part, because of the obstacles (costs) encountered with the disposal of dredge sediments contaminated with dioxins from the river bed. This dredging was necessary in one are in order to accommodate the depth of the barge/tug drafts. CENJ is currently in negotiations with a PRP to receive contaminated dredge spoils for processing on our site which may happen as early as second quarter 2010. As such it is important to have the necessary draft to maneuver tugs and barges in the area.

Question 2 How do you expect to operate in the future.

Answer # 2

CENJ anticipates re applying for the expired Waterfront Development permit to manage dredge materials on site. Rail access to the area is already in place. CENJ is actively pursuing projects that have dredge materials which are unsuitable for reuse and must be disposed of after conditioning of the material at CENJ.

Page 2
October 14, 2009
Ms. Lisa Baron
US Army Corps of Engineers

Question 2A How would you operate if conditions stayed the same as they are now (no maintenance)

Answer 2A
CENJ would not be able to operate the proposed dredge processing facility with existing conditions.

Question 2B How would you operate if the channel were deeper.

Answer # 2B
CENJ would operate the proposed dredge processing facility according to the proposed design criteria that would be indentified in our Waterfront Development Permit application or under a permit equivalency in the case of the dredge material coming from a PRP of Passaic River sediments. Currently we would be looking at receiving 2-3 barges per day drawing 13-14 feet. The goal would be to switch to scows 2-3 per day drawing 16-17 feet.

Question 2C Are there facility/infrastructure changes, operational modifications or other investments you would need to make in order to operate in a deeper channel.

Answer 2C
CENJ would need to make certain modifications to our existing facility configuration which may include an upgraded bulkhead, rail spur expansion, construction of a processing plant and storage areas.

Question 2D If so, how likely is it that you will be able to make these investments in the short term (2-5 years)? In the longer term (5+ years)?

Question 2D Answer
It is very likely that CENJ, or other subcontracted entities, would make significant investments within the next 6 months.

I thank you for the opportunity to comment on these proceedings and if there is any other information you may need please give me a call.

Sincerely,

Robert Fixter
General Manager